

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RANDELL L. McDONALD,)
)
Plaintiff,)
)
vs.) No. CIV-09-710-C
)
STATE OF OKLAHOMA, and)
DALTON JACKSON,)
)
Defendants.)

ORDER OF DISMISSAL

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Robert E. Bacharach, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Bacharach entered a Report and Recommendation on September 18, 2009, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. No point would be served in repeating that analysis. To the extent sense can be made of the Objection, it appears Plaintiff argues the State of Oklahoma can only act through its employees and officers and that it is liable for their acts. This argument ignores the inescapable legal authority that the State is immune from suit absent waiver or Congressional abrogation, neither of which is present here.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, the State of Oklahoma is dismissed as a defendant in this action.

IT IS SO ORDERED this 16th day of October, 2009.



ROBIN J. CAUTHRON
United States District Judge